
PRELIMINARY DRAFT

No. 3116

**PREPARED BY
LEGISLATIVE SERVICES AGENCY
2008 GENERAL ASSEMBLY**

DIGEST

Citations Affected: IC 29-3-9-1.

Synopsis: Delegation of powers by parent or guardian. Extends to six months the period for which a parent of a minor or a guardian of a protected person can delegate by properly executing a power of attorney certain powers concerning the support, custody, or property of the minor or protected person. Removes the requirement that the parent or guardian be incapacitated or absent during the period in which the delegated powers are conferred upon the attorney in fact. Makes changes to consistently use the terms "minor" and "protected person".

Effective: July 1, 2008.



A BILL FOR AN ACT to amend the Indiana Code concerning probate.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 29-3-9-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) By a properly executed power
3 of attorney, a parent **of a minor** or a guardian (other than a temporary
4 guardian) of ~~an incapacitated person or minor~~, **a protected person** may
5 delegate to another person for:

6 (1) any period during which the care and custody of the **minor or**
7 protected person is entrusted to an institution furnishing care,
8 custody, education, **or** training; or

9 (2) a period not exceeding ~~sixty (60) days during which the parent~~
10 ~~or guardian is physically incapacitated or absent from the parent's~~
11 ~~or guardian's residence~~; **six (6) months**;

12 any powers regarding support, custody, or property of the **minor or**
13 protected person, except the power to consent to the marriage or
14 adoption of a protected person who is a minor.

15 (b) A person having a power of attorney executed under subsection
16 (a) has and shall exercise, for the period during which the power is
17 effective, all other authority of the parent or guardian respecting the
18 support, custody, or property of the **minor or** protected person except
19 any authority expressly excluded in the written instrument delegating
20 the power. However, the parent or guardian remains responsible for any
21 act or omission of the person having the power of attorney with respect
22 to the affairs, property, and person of the **minor or** protected person as
23 though the power of attorney had never been executed.

